

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ALDEN PARK, LLC, *et al.*,

Plaintiffs.

v.

ANGLO IRISH BANK,  
CORPORATION, PLC.,

Defendant.

Case No. 08-12116

Lawrence P. Zatkoff  
United States District Judge

Michael Hluchaniuk  
United States Magistrate Judge

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**ORDER GRANTING DEFENDANT'S MOTION TO COMPEL**

On September 19, 2008, defendant, Anglo Irish Bank Corporation, PLC, filed a motion to compel the production of documents pursuant to a subpoena served on non-party Meridian Property Management Property Management Group (Meridian). (Dkt. 18). On September 19, 2008, District Judge Lawrence P. Zatkoff referred this motion for hearing and decision to the undersigned. (Dkt. 19). On October 2, 2008, the Court issued an order requiring defendant and Meridian to prepare a joint statement of resolved and unresolved issues by October 10, 2008 and also set a hearing for October 16, 2008. (Dkt. 20).

The chronology of events leading to defendant's motion to compel appears undisputed. Meridian was served with the subpoena on June 13, 2008, and the

subpoena allowed Meridian 14 days to produce the requested documents. (Dkt. 18, Ex. 1). Apparently, Meridian did not timely interpose objections to the subpoena, which it is permitted to do within 14 days of service under Rule 45. Meridian and defendant agreed that, while the parties tried to resolve the underlying lawsuit, Meridian need not respond to the subpoena. (Dkt. 18). When the parties were unable to resolve this matter, on July 21, 2008, defendant notified Meridian that it would need to produce the documents by July 29, 2008. (Dkt. 18, Ex. 2). On July 29, 2008, Meridian asked for more time to produce the documents, to which defendant consented. (Dkt. 18, Ex. 3). As of August 5, 2008 (the newly agreed-on deadline), Meridian had not complied with the subpoena. *Id.*

After attempting to resolve this dispute, defendant filed the instant motion to compel. (Dkt. 18, Ex. 4). Pursuant to the Court's October 2, 2008 Order, Meridian and defendant filed a joint statement of resolved and unresolved issues on October 10, 2008, in which they expressed that several issues were in the process of being resolved. (Dkt. 21). As set forth in the October 2, 2008 Order, the Court held a hearing on October 16, 2008, where counsel indicated that the only outstanding issue was the timing of Meridian's remaining production. Based on the foregoing, and counsels' representations at the hearing, the motion to compel is **GRANTED** and Meridian must produce all remaining documents by **Friday, October 24, 2008**.

**IT IS SO ORDERED.**

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service hereof as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objection must be served on this Magistrate Judge.

Date: October 17, 2008

s/Michael Hluchaniuk  
Michael Hluchaniuk  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on October 17, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Larry K. Griffis, Danielle J. Hessel, Michael F. Jacobson, Steven M. Ribiat, and Michael R. Turco, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: not applicable.

s/James P. Peltier  
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